

REMARKS

In the Notice of Allowance dated October 1, 2009 ("Notice"), the Examiner entered an Examiner's Amendment canceling claims **3, 17-24, and 34-36**. After entry of the Examiner's Amendment, claims **1, 4-13, 15, 16, 25-29, 37-47, and 55-74** were pending.

After entry of the above amendment, claims **1, 4-13, 15, 16, 25-29, -29, 34-47, 55-67, and 70-73** are pending in this application. Claims **1 and 70** are independent. We have amended claim **15** and have canceled allowed claims **68, 69, and 74** without prejudice or disclaimer. We intend to file allowed claims **68, 69, and 74** in a continuing application.

Entry of the present claim amendments is respectfully requested.

Summary of Interviews of September 22, 2009 and October 8, 2009

A telephone interview regarding the present application took place between Examiner Colbert and the undersigned on September 22, 2009. The Examiner's summary of the interview (dated October 1, 2009) is presented here as follows.

All participants (applicant, applicant's representative, PTO personnel):

(1) Ella Colbert. (3) _____

(2) Attorney Chris Agnew. (4) _____

Date of Interview: 22 September 2009

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1, 3-13, 15-29, 34-47 and 55-74.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner contacted Applicants' representative, Attorney Chris Agnew to discuss being granted authorization to do an Examiner's Amendment by cancelling some claims in order to allow the application.

The undersigned agrees with the Examiner's summary of the telephone interview.

A subsequent telephone discussion regarding the present application took place between Examiner Colbert and the undersigned on Thursday, October 8, 2009. In the discussion the undersigned requested that the Examiner please consider references in an additional Information Disclosure Statement that the undersigned planned on submitting and that is being submitted herewith. The undersigned also informed the Examiner that we planned to cancel the pending allowed apparatus claims in a continuation patent application so that we would be permitted to add further dependent claims.

The undersigned appreciates Examiner Colbert's time in speaking with the undersigned regarding the present application.

Comments Regarding the Claims

Our undersigned representative notes that he agreed to the claim cancelations made by the Examiner in the Examiner's Amendment in the Notice for the sole purpose of advancing prosecution and obtaining early issuance of this Application. Previously canceled claims **3, 17-24, and 34-36** were canceled in the Examiner's Amendment without prejudice or disclaimer and we reserve the right to file these claims in, e.g., a continuing application.

The only amendments authorized in the Examiner's Amendment by our undersigned representative were the cancelations of claims **3, 17-24, and 34-36**. To the extent that the Examiner's Amendment in the Notice includes changes beyond the cancelations of these claims **3, 17-24, and 34-36**, any such changes were not authorized by our undersigned representative. We have attached as an Appendix to this Amendment pages 2-12 of our "REPLY TO FINAL OFFICE ACTION AND PETITION FOR EXTENSION OF TIME" dated July 16, 2009 ("Reply"). Pages 2-12 of the Reply are the listing of claims as filed in the Reply.

We do not necessarily agree with or concede any of the arguments in the final Office Action dated June 17, 2008 ("Office Action") or in the Notice. Nonetheless, to advance prosecution and obtain early issuance, we have amended claim **15** and have canceled allowed claims **68, 69, and 74** without prejudice or disclaimer. Claim **15** was amended to correct a typographic error so that claim **15** now recites "from the first user," rather than "from first user."

General Authorization for All Fees During Pendency of this Application

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

Entry of the present claim amendments is respectfully requested.

Respectfully submitted,

Dated: October 14, 2009

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APPENDIX
TO AMENDMENT UNDER 37 C.F.R. § 1.312

This Appendix presents pages 2-12 of the as-filed version of Applicant's "REPLY TO FINAL OFFICE ACTION AND PETITION FOR EXTENSION OF TIME" dated July 16, 2009.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A ~~computer implemented method performed using a computer system for conducting an exchange of an activity entry between a buyer and a seller, the computer system comprising one or more processing units and one or more memory units, the method, comprising:~~
determining, by a processor of a computer, a first set of entries in an activity, a sports competition, in which each entry of the first set of entries corresponds to a respective team of a set of teams participating in the sports competition and in which the sports competition has one or more stages; at least one entry to be determined a winning entry based on an occurrence of an event associated with the activity;
using the computer system, executing a first initial distribution of distributing, by the processor, the first set of entries to a plurality of users; to at least one buyer; and
using the computer system, conducting trading, of at least one of the entries included in the first distribution, between the at least one buyer and at least one seller;
receiving, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;
receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;
matching, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;
settling, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determining, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and
paying, by the processor, a payout to one or more users who hold the winning entry.

2. (Canceled).

3. (Previously Presented) A computer-implemented method performed using a computer system for conducting an exchange of an activity entry between a buyer and a seller, the computer system comprising one or more processing units and one or more memory units, the method comprising:

determining a first set of entries in an activity, at least one entry to be determined a winning entry based on an occurrence of an event associated with the activity;
using the computer system, executing a first initial distribution of the first set of entries;
and

using the computer system, conducting trading, of at least one of the entries, between at least one buyer and at least one seller; and

wherein the step of conducting trading comprises:

receiving, from a first user, a buy order associated with at least one entry of the first set of entries;

receiving, from a second user, a short sale order associated with the at least one entry of the first set of entries;

matching the buy order with the at least one short sale order to create a short sale;
settling, at a predetermined time, the short sale.

4. (Currently Amended) The method of claim 1, wherein in which distributing the first set of entries ~~executing a first initial distribution~~ comprises conducting a lottery for the first set of entries.

5. (Currently Amended) The method of claim 1, wherein in which distributing the first set of entries ~~executing a first initial distribution~~ comprises conducting an auction for the first set of entries.

6. (Currently Amended) The method of claim 1, further comprising:
~~executing a second initial distribution of~~
distributing, by the processor, a second set of entries for the first activity sports
competition; and
conducting, by the processor, trading of at least one entry of the second set of entries.
7. (Currently Amended) The method of claim 6, ~~wherein the~~ in which any trading of entries of the first set of entries is discrete from the trading of entries of the second set of entries.
8. (Currently Amended) The method of claim 6, ~~wherein the~~ in which any trading of entries of the first set of entries is commingled with the trading of entries of the second set of entries.
9. (Currently Amended) The method of claim 1, further comprising:
~~executing a second initial distribution of~~
distributing, by the processor, a second set of entries for an a second activity; and
conducting, by the processor, trading of at least one entry of the second set of entries.
10. (Currently Amended) The method of claim 9, ~~wherein in which the first activity~~
comprises a second sports competition, is the same type of activity as the second activity.
11. (Currently Amended) The method of claim 9, ~~wherein in which the first activity~~
comprises a financial market activity, is a different type of activity from the second activity.
12. (Currently Amended) The method of claim 9, ~~wherein the~~ in which any trading of entries of the first set of entries is discrete from the trading of entries of the second set of entries.
13. (Currently Amended) The method of claim 9, ~~wherein the~~ in which any trading of entries of the first set of entries is commingled with the trading of entries of the second set of entries.

14. (Canceled).

15. (Currently Amended) The method of claim 14, ~~wherein conducting the auction comprises 1, further comprising:~~
receiving, ~~by the processor,~~ from ~~[[a]]~~ first user a request to auction the at least one entry;
~~and held by the first user, and~~
receiving, ~~by the processor,~~ from a ~~second~~ third user of the plurality of users a first bid request for the at least one entry.

16. (Currently Amended) The method of claim 15, further comprising:
receiving from a ~~third~~ fourth user of the plurality of users a second bid request higher than the first bid request; and
transferring the at least one entry to the ~~third~~ fourth user.

17. (Currently Amended) The method of claim 1, ~~wherein 3, in which~~ the activity is a sports activity.

18. (Currently Amended) The method of claim 1, ~~wherein 3, in which~~ wherein the activity is an entertainment activity.

19. (Currently Amended) The method of claim 1, ~~wherein 3, in which~~ the activity is a competition.

20. (Currently Amended) The method of claim 1, ~~wherein 3, in which~~ the activity is a financial market activity.

21. (Currently Amended) The method of claim 1, ~~wherein 3, in which~~ the activity is a tournament.

22. (Currently Amended) The method of claim 1, ~~wherein~~ 3, in which the activity is a single game.

23. (Currently Amended) The method of claim 1, ~~wherein~~ 3, in which the activity is a basketball tournament.

24. (Currently Amended) The method of claim 1, ~~wherein~~ 3, in which the activity is a political election.

25. (Currently Amended) The method of claim 1, further comprising:
accepting, by the processor, payment for the at least one entry from the first user.

26. (Currently Amended) The method of claim 1, further comprising:
accepting, by the processor, confirmation of payment for the at least one entry by the first user.

27. (Currently Amended) The method of claim 1, ~~wherein~~ in which distributing the first set of entries executing a first initial distribution comprises distributing all or a portion of the first set of entries in a single bundle to one or more users of the plurality of users.

28. (Currently Amended) The method of claim 27, ~~wherein~~ in which the single bundle is distributed prior to conducting ~~[[the]]~~ any trading of entries of the first set of entries.

29. (Currently Amended) The method of claim 27, ~~wherein~~ in which the single bundle is distributed after commencement of ~~[[the]]~~ any trading of entries of the first set of entries.

30-33. (Canceled).

34. (Currently Amended) The method of claim 1, ~~wherein~~ 3, in which the trading comprises at least one auction.

35. (Currently Amended) The method of claim 34, wherein the auction comprises an auction in which a payout of a certain minimum amount at a certain time is guaranteed to be made to the holder of a winning entry.

36. (Currently Amended) The method of claim [[1,]] 3, further comprising:
determining at least one winning entry at at least one predetermined time and paying a payout to the holder of the at least one winning entry.

37. (Currently Amended) The method of claim ~~36, wherein~~ 1, in which the payout comprises money.

38. (Currently Amended) The method of claim ~~36, wherein~~ 1, in which the payout comprises a non-cash prize.

39. (Currently Amended) The method of claim ~~36, wherein~~ 1, in which the payout comprises at least a portion of fees paid for the first set of entries during the distributing of the first set of entries, step:

40. (Currently Amended) The method of claim ~~36, wherein~~ 1, in which the payout is at least partially based on an amount of revenues generated by the distributing of the first set of entries, step:

41. (Currently Amended) The method of claim 1, further comprising:
receiving, by the processor, a commission ~~or fee~~ for ~~[[the]]~~ transfer of ~~at least one entry~~
one or more entries of the first set of entries, entry:

42. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries begins as soon as ~~at least one entry~~ one or more entries of the first set of entries are is distributed.

43. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries begins after all of the first set of entries is distributed.

44. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries begins after a predetermined number of entries of the first set of entries are distributed.

45. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries is closed at a predetermined time.

46. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries is closed before ~~[[the]] a~~ start of the ~~activity~~; sports competition.

47. (Currently Amended) The method of claim 1, ~~wherein the~~ in which any trading of the first set of entries is closed at ~~[[the]] an~~ end of the ~~activity~~; sports competition.

48-54. (Canceled)

55. (New) The method of claim 1, in which the sports competition comprises a sports tournament.

56. (New) The method of claim 55, in which the sports tournament comprises a basketball tournament.

57. (New) The method of claim 56, in which the one or more stages comprise one or more basketball games and the set of teams comprises a set of basketball teams.

58. (New) The method of claim 55, in which the sports tournament comprises a soccer tournament.

59. (New) The method of claim 1, in which the sports competition comprises a single game competition.
60. (New) The method of claim 59, in which the single game competition comprises a baseball game.
61. (New) The method of claim 59, in which the single game competition comprises a basketball game.
62. (New) The method of claim 59, in which the single game competition comprises a hockey game.
63. (New) The method of claim 59, in which the single game competition comprises a soccer game.
64. (New) The method of claim 59, in which the single game competition comprises a football game.
65. (New) The method of claim 64, in which the stages comprise quarters of the football game.
66. (New) The method of claim 1, further comprising:
artificially setting, by the processor, prices of the first set of entries based on a performance of the set of teams.
67. (New) The method of claim 1, further comprising:
determining, by the processor, prices of the first set of entries according to market exchanges of the set of entries between at least the plurality of users.
68. (New) An apparatus, comprising:
a processor of a computer operable to:

determine a first set of entries in a sports competition, in which each entry of the first set of entries corresponds to a respective team of a set of teams participating in the sports competition and in which the sports competition has one or more stages;

distribute the first set of entries to a plurality of users;

receive a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;

receive a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;

match the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;

settle with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determine a winning entry of the first set of entries based on at least one first outcome of the sports competition; and

pay a payout to one or more users who hold the winning entry.

69. (New) The apparatus of claim 68, further comprising:
a memory operable to store the sell order.

70. (New) A method, comprising:
determining, by a processor of a computer, a first set of entries in a sports competition, in which each entry of the first set of entries corresponds to a respective individual of a set of individuals participating in the sports competition and in which the sports competition has one or more stages;

distributing, by the processor, the first set of entries to a plurality of users;

receiving, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;

receiving, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;

matching, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;

settling, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determining, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and

paying, by the processor, a payout to one or more users who hold the winning entry.

71. (New) The method of claim 70, in which the sports competition comprises a sports tournament.

72. (New) The method of claim 71, in which the sports tournament comprises a tennis tournament.

73. (New) The method of claim 71, in which the sports tournament comprises a golf tournament.

74. (New) An apparatus, comprising:
a processor of a computer operable to:

determine, by a processor of a computer, a first set of entries in a sports competition, in which each entry of the first set of entries corresponds to a respective individual of a set of individuals participating in the sports competition and in which the sports competition has one or more stages;

distribute, by the processor, the first set of entries to a plurality of users;

receive, by the processor, a buy order placed by a first user of the plurality of users, in which the buy order is associated with at least one entry of the first set of entries;

receive, by the processor, a sell order placed by a second user of the plurality of users associated with the at least one entry of the first set of entries, in which the second user does not own the at least one entry at a time the sell order is placed;

match, by the processor, the buy order with the sell order thereby creating a short sale of the at least one entry to the first user;

settle, by the processor, with the second user, at a predetermined time, any differential between a first price of the at least one entry at the time the sell order is placed and a second price of the at least one entry at the predetermined time;

determine, by the processor, a winning entry of the first set of entries based on at least one first outcome of the sports competition; and

pay, by the processor, a payout to one or more users who hold the winning entry.